IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Unit	ed States of America,) 9.00CB 44 (4)				
	Plaintiff,	8:09CR-14 (1)				
	vs.) DETENTION ORDER				
Jose	e Melendez-Ramirez,					
	Defendant.	}				
, [Order For Detention After the defendant waived a detention hea Bail Reform Act, the Court orders the above U.S.C. § 3142(e) and (i).	ring pursuant to 18 U.S.C. § 3142(f) of the -named defendant detained pursuant to 18				
-	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 					
`	Finding Of Fact The Court's findings are based on the evide which was contained in the Pretrial Service X (1) Nature and circumstances of th (a) The crime: PWID cocain	es Report, and includes the following: e offense charged:				
- -	(2) The weight of the evidence aga X (3) The history and characteristics (a) General Factors: The defendant a may affect whether	violence. arcotic drug. rge amount of controlled substances, to wit: inst the defendant is high.				

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		(b)	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. At the time of the current arrest, the defendant was on: Probation Parole
			Release pending trial, sentence, appeal or completion of sentence.
		(c)	Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to
			deportation if convicted. The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X	re	eleas <u>Defe</u> Cour	nature and seriousness of the danger posed by the defendant's e are as follows: endant refused interview with Pretrial; t has no knowledge of defendant's social history; viction for hit-and-run.
<u>X</u>	Ìr O W	n dete in the which (a)	ermining that the defendant should be detained, the Court also relied following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. That no condition or combination of conditions will reasonably
		(-)	assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of

10 years or more.

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(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: January 30, 2009.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge